

REMARKS/ARGUMENTS

Claim Status

Claims 1-9 are pending. Claims 3, and 5-7 are currently amended. Claims 10-11 are added. Claims 1, 2, 4, and 8-9 are cancelled without prejudice. Claim 3 is amended to incorporate the subject matter of claim 4. Claims 5-7 are amended for clarity and to correct grammatical errors. Claims 10-11 are added and find support in the specification; pg. 15-16, Table 1-1; and pg 19, line 11- pg 34, line 21; Examples 1-6. No new matter has been added. Upon entry of the amendment, claims 3, and 5-7 will be pending.

35 U.S.C. §102(e)

Claims 2-4 and 6 are rejected under 35 U.S.C. §102(e) as being anticipated by Kato II (U.S. 7,357,992).

Kato II has a §102(a) date as of March 24, 2005, and a §102(e) date as of May 25, 2004. Applicants note that this reference qualifies as prior art under 35 U.S.C. §102(e) with an effective US filing date of May 25, 2004. However, since the current application claims priority to JP 2003-434432, which was filed on December 26, 2003, Kato II can be disqualified as prior art under §102(e) if a certified English translation of JP 2003-434432 is provided to the Office. Accordingly, Applicants submit herewith a certified English translation of JP 2003-434432, and as such, request withdrawal of the rejections over Kato II.

Non-Statutory Obviousness-Type Double Patenting Rejection

Claims 2 and 3 are rejected on the ground of nonstatutory obvious-type double patenting over claims 2 and 3 of Kato I (U.S. Patent No. 7,402,701). Claim 2 has been canceled and claim 3 has been amended to incorporate the subject matter of claim 4. Accordingly, withdrawal of the obvious-type double patenting rejection is requested.

Conclusion

Applicants submit that all now-pending claims are in condition for allowance.
Applicants respectfully request the withdrawal of the objections and rejections and passage of
this case to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Anne L. St. Martin
Attorney of Record
Registration No. 65,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)